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9 *Attorneys for Plaintiffs and the Settlement Class*

10
11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 SOUTHERN DIVISION

15 SHARON COBB, et al., individually
16 and on behalf of all others similarly
17 situated,

18 Plaintiffs,

19 vs.

20 BSH HOME APPLIANCES
21 CORPORATION, a Delaware
Corporation,

Case No. SACV10-711 DOC (ANx)

**DECLARATION OF STUART M.
EPPSTEINER IN SUPPORT OF
CLASS PLAINTIFFS' MOTION
FOR APPEAL BOND**

Date: October 19, 2015

Time: 8:30 a.m.

Place: Courtroom 9D

Judge: David O. Carter

1 I, Stuart M. Eppsteiner, declare as follows:

2 1. I am an attorney at law and a member in good standing of the State
3 Bars of California and Colorado. I am admitted to practice in the United States
4 District Courts for the Northern, Central, Eastern and Southern Districts of
5 California, and of the United States Court of Appeals for the Ninth Circuit.¹ I am a
6 partner at Eppsteiner & Fiorica Attorneys, LLP, lead counsel for Plaintiffs and the
7 Class in the above-captioned matter. I submit this Declaration in support of Class
8 Plaintiffs' Motion for Appeal Bond. If called upon to testify, I could and would
9 testify competently to the truth of the matters stated herein.

10 2. On August 31, 2015, I spoke with Objector Bobby Ameen's counsel,
11 Scott Kron ("Kron"). I told him I was calling to meet and confer with him about a
12 motion to have Objector Bobby Ameen post an appeal bond.

13 3. I described to Kron that Objector Ameen's appeal is without merit, and
14 that Mr. Ameen has an active construction business and owns property that should
15 enable him to pay the bond.

16 4. Kron challenged Ameen's ability to pay; stating that just because he
17 Ameen owns a business, does not mean he makes a lot of money, but Kron did not
18 provide any details or offer to prove Ameen's inability to pay through the production
19 of financial statements.

20 5. I asked Kron to address why he thought his client's appeal was
21 meritorious. He told me he had nothing to add beyond the reasons stated in his
22 client's objection.

23 6. I told Kron that the settlement was fair and reasonable because after
24 spending \$2 million to investigate the claims, and prepare and pay for liability and
25 damage experts, Plaintiff assessed that prevailing on the merits and damages was
26

27 ¹ Additional information about my background, experience and qualifications is
28 stated in my declaration submitted in support of Plaintiffs' Motion for Preliminary
Approval of Class Action Settlement. Dkt. 363-4.

1 uncertain. I also explained that our most likely per-class member recover was
2 around \$113 per machine and the settlement paid almost 50% to qualifying
3 claimants.

4 7. I told him our fee and cost application was fair and reasonable because
5 after the Court considered our individual billing records it reduced them by a very
6 minor amount, nothing approaching the 55% reduction Class Counsel had been
7 awarded.

8 8. Kron stated he had no explanation as to why Class Counsel's fee award
9 was unreasonable other than what was stated in Ameen's original objection.

10 9. I told Kron that Plaintiffs would seek a \$20,000 appeal bond. Kron
11 stated he would oppose the motion.

12 10. It is my experience that Rule 39(e) costs on an appeal can be in the
13 range of \$15,000 - \$20,000.

14 11. Attached hereto as **Exhibit 1** are true and correct copies of transcript
15 excerpts from the May 20, 2015 deposition of Bobby Ameen which I attended.

16
17 I declare under penalty of perjury under the laws of the United States of
18 America that the foregoing is true and correct.

19
20 Executed in San Diego, California on September 9, 2015.

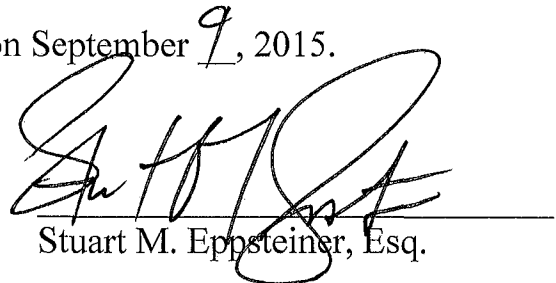
21
22
23 
24 Stuart M. Eppsteiner, Esq.

EXHIBIT 1

#36947

Bobby Ameen

May 20, 2015

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

SHARON COBB, et al.,
individually and on behalf
of all others similarly
situated,

Plaintiffs,

vs.

Case No. 8:10-cv-00711-
DOC-AN

BSH HOME APPLIANCES
CORPORATION, a Delaware
Corporation,

Defendants.

VIDEOTAPED DEPOSITION OF BOBBY AMEEN

Wednesday, May 20, 2015

9:04 a.m.

575 Anton Boulevard, Suite 400

Costa Mesa, California

REPORTED BY:

Becky J. Parker

CSR No. 8504, RPR

#36948

Bobby Ameen

May 20, 2015

1 APPEARANCES:

2
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24 SCOTT A. KRON
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Also Present:

CHRISTOPHER VASI, Videographer

#36949

Bobby Ameen

May 20, 2015

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WITNESS: BOBBY AMEEN

EXAMINATION

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By Ms. Conway

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#36950

Bobby Ameen

May 20, 2015

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BOBBY AMEEN

Sharon Cobb, et al., vs. BSH Home Appliances Corporation

Wednesday, May 20, 2015

Becky J. Parker, CSR No. 8504, RPR

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Exhibit 7	Long Form Notice of Proposed Settlement	103

#36951

Bobby Ameen

May 20, 2015

1 A. And before the end of the year.

2 Q. You said you bought it at Lowe's?

3 A. Uh-huh.

4 Q. Was anyone with you when you went to look at
5 it?

6 A. No. Just the Lowe -- Lowe's pro services rep.

7 Q. But you didn't take a family member or a
8 friend?

9 A. No.

10 Q. Who paid for it?

11 A. I did.

12 Q. By what means?

13 A. Probably credit card or check.

14 Q. Do you have a record of that purchase?

15 A. I probably do. I did look for it. Didn't find
16 it. But I can find it.

17 Q. What is the property address where the washer
18 is currently located?

19 A. 24771 Tabuenca, T-A-B-U-E-N-C-A, Mission Viejo,
20 92692.

21 Q. Is that where you live?

22 A. Yes.

23 Q. Have you lived at that address during the
24 entire time that the BSH washer has been installed
25 there?

#36952

Bobby Ameen

May 20, 2015

1 any experience representing consumers as plaintiffs in
2 class action?

3 MR. KRON: Objection. Calls for speculation.

4 THE WITNESS: I don't.

5 BY MS. SAGAFI:

6 Q. You don't know?

7 A. I don't know.

8 Q. Do you have any legal training yourself?

9 A. No, but I've read enough contracts. As a
10 business owner, you sign a lot of things throughout the
11 day. So I constantly have to read what I'm signing.

12 Q. Let's take a look at a document here. Where is
13 it? Let's mark this as Exhibit 1, please.

14 (Exhibit 1 marked)

15 MS. SAGAFI: I should have copies for you guys.
16 I'm working with the objections.

17 MR. EPPSTEINER: I have one.

18 MR. KRON: Here's your copy.

19 BY MS. SAGAFI:

20 Q. Mr. Ameen, take a look at the document that's
21 been marked as Exhibit 1 to your deposition.

22 Do you recognize it?

23 A. Yes.

24 Q. What is it?

25 A. It's my objection to the settlement.

76

#36953

Bobby Ameen

May 20, 2015

1 Q. How many times?

2 A. I think it was 2010 once.

3 Q. What was the occasion?

4 A. I bought a house. I was soliciting free help
5 from probably about two dozen friends, and my lawyer
6 shows up, my business partner shows up, my twin brother
7 shows up.

8 Q. Has Mr. Kron ever represented you in
9 litigation?

10 A. In legal matters. I don't think we've ever had
11 to litigate a matter.

12 Q. What sorts of legal matters has he represented
13 you in before?

14 A. Business matters. Personal matters.
15 Trademark, I believe. Somebody using our trademark.

16 Q. What were the sorts of business matters that he
17 represented you in?

18 A. Collections. Contracts. Construction.
19 Business dealings with other business owners.
20 Negotiations. Lease negotiations. I don't know. So
21 many.

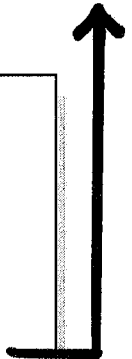
22 Q. And I think you told me, but remind me, please,
23 if you would, when you first engaged Mr. Kron as your
24 lawyer on an ongoing basis.

25 MR. KRON: Objection. Asked and answered.

#36954

Bobby Ameen

May 20, 2015



1 THE WITNESS: I think it was '06, '07. Maybe
2 '07, '08. Pretty much when my business started, we
3 needed to lawyer up for an issue with -- I think a
4 mechanic's lien was the first issue.

5 BY MS. SAGAFI:

6 Q. And what was the time frame of that issue?

7 A. One of those years. It's so long ago, I don't
8 know what specific year we formally said we need to lien
9 a property that wasn't paying.

10 Q. I see. That's fine. And you said that he's
11 represented you in the past in personal matters?

12 A. Uh-huh.

13 Q. What did you mean by that?

14 A. Telling me my will was not right.

15 Q. Anything else?

16 A. Probably other things. I'm just not recalling.

17 Q. You mentioned a trademark dispute?

18 A. Uh-huh.

19 Q. Mr. Kron represented you in a trademark
20 dispute?

21 A. Uh-huh. Yes.

22 Q. Do you recall the time frame of that?

23 A. Probably in those years, '06, '07, '08.

24 Q. Do you have a criminal record?

25 A. I was arrested once in Lake Havasu for underage

#36955

Bobby Ameen

May 20, 2015

1 STATE OF CALIFORNIA)
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COUNTY OF ORANGE)

I, Becky J. Parker, a Certified Shorthand Reporter, do hereby certify:

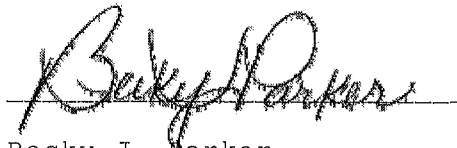
That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said proceedings were taken before me at the time and place therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, nor in any way interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name.

Dated: May 21, 2015



Becky J. Parker
CSR No. 8504, RPR

